

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

Alberico De Pierro, Esq.

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In Re:

JESUS MERCADO, JR., and LILLIANET MERCADO

Case No.: 16-20434

Chapter: 13

Hearing Date: 11/9/17

Judge: SHERWOOD

NOTICE OF MOTION TO REOPEN CASE

ALBERICO DE PIERRO, ESQ., has filed papers with the court requesting that an order be entered allowing the Debtor to reopen the case for the purpose of filing documents that are missing from the docket.

YOUR RIGHTS MAY BE AFFECTED. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one).

If you do not want the court to grant this motion, or if you want the court to consider your views, you or your attorney must file with the clerk at the address listed below, a written response explaining your position no later than 7 days prior to the hearing date.

Hearing Date: November 9, 2017

[Enter the date of the hearing]

Hearing Time: 10:30 A.M.

[Enter the time of the hearing]

Hearing Location: 50 Walnut St., Newark, NJ

If you mail your response to the clerk for filing, you must mail it early enough so the court will receive it on or before 7 days prior to the hearing date.

You must also mail a copy of your response to:

Brian Knapp, Chapter 13 Standing Trustee, 30 Two Bridges Rd Suite 330 Fairfield, NJ 07004

Nicole Horner, Esq., Powers Kirn, LLC, 728 Marne Highway, Suite 200, Moorestown, NJ 08057

If you, or your attorney, do not take the steps outlined above, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date: 10/9/17

/s/ Alberico De Pierro
Signature [Of the party seeking relief]

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CERTIFICATION OF ALBERICO DE PIERRO, ESQ.

I, ALBERICO DE PIERRO, ESQ., attorney for the Debtor in the above captioned case, submits this Certification in support of the Motion to Reopen Case.

1. I submit this Certification in support of my motion to Reopen Bankruptcy Case.
2. The bankruptcy case was filed on May 31, 2016.
3. On September 19, 2017, the case was closed because the debtors were not aware that they did not have insurance on the property and when advised of same by our office, the day of the confirmation hearing, debtor obtained proof of insurance and submitted same to the Trustee..
4. Through this motion, I request that the court reopen the case so I have the opportunity to:
 - ☐ Attend the Meeting of Creditors (“341 meeting”)
 - ☒ Amended Schedule D, E, F, G, H or List of Creditors
 - ☒ Other [Explain]: pay the post-petition arrears within sixty (60) days of re-opening the case as was advised to opposing counsel prior to the dismissal. .

5. Debtors have been struggling lately as Mr. Mercado is still seeking employment after being laid off from his position. Furthermore, their child has been dealing with severe medical conditions which have greatly affected their ability to function. Despite same, in demonstration of their good faith, they have continued to may their monthly payments with their struggles.
6. Debtors simply want to pay the arrears via their plan and also, upon employment of Mr. Mercado (who was making significant money in his last position), will be able to pay even more towards the arrears and possibly in a quicker turnaround time.
7. Debtors deserve to have their plan decided on the merits and the proof of insurance has been provided as well.

I certify under penalty of perjury that the above is true.

Date: ____October 9, 2017____

*/s/ Alberico De Pierro*_____

Signature

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STATEMENT AS TO WHY NO BRIEF IS NECESSARY

In accordance with D.N.J. LBR 9013-1(a)(3), it is respectfully submitted that no brief is necessary in the court's consideration of this motion, as it does not involve complex issues of law.

Date: 10/9/17

Signature [Of party seeking relief]

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CERTIFICATION OF SERVICE

1. I, LAURA SPELNDORIA am the secretary for Alberico De Pierro, who represents Debtors, Jesus Mercado, Jr., and Lillianet Mercado in this case.

2. On October 9, 2017, I sent a copy of the following pleadings and/or documents to the parties listed in the chart below.

☒ Notice of Motion to Reopen Case

☒ Certification in Support of Motion to Reopen Case

☒ Statement as to Why No Brief is Necessary

☒ Proposed Order Granting Motion to Reopen Case

☐ Other _____

[Specify the additional document(s) served]

Date: 10/9/17

/s/ Laura Splendoria
Signature [Of the person who served the documents]

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
Brian Knapp, Chapter 13 Standing Trustee, 30 Two Bridges Rd Suite 330 Fairfield, NJ 07004	Chapter 13 Standing Trustee	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/Return receipt requested <input checked="" type="checkbox"/> Other Email & NJ Lawyers Service_____ (As authorized by the court or rule. Cite the rule if applicable.)
Nicole Horner, Esq., Powers Kirn, LLC, 728 Marne Highway, Suite 200, Moorestown, NJ 08057	Creditor	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/Return receipt requested <input checked="" type="checkbox"/> Other Email & NJ Lawyers Service_____ (As authorized by the court or rule. Cite the rule if applicable.)
		<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/Return receipt requested <input type="checkbox"/> Other _____ (As authorized by the court or rule. Cite the rule if applicable.)
		<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/Return receipt requested <input type="checkbox"/> Other _____ (As authorized by the court or rule. Cite the rule if applicable.)

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
		<p><input type="checkbox"/> Hand-delivered</p> <p><input type="checkbox"/> Regular mail</p> <p><input type="checkbox"/> Certified mail/ Return receipt requested</p> <p><input type="checkbox"/> Other _____</p> <p>(As authorized by the court or rule. Cite the rule if applicable.)</p>

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ORDER GRANTING MOTION TO REOPEN CASE

The relief set forth on the following pages, numbered two (2) through (2) _____ is
ORDERED.

The Court having reviewed the movant's Motion to Reopen Case, and any related responses or objections, it is hereby

ORDERED that:

1. Debtor has filed simultaneous with this motion the required and missing documentation.
2. The case be re-opened upon entry of this Order
3. The debtor shall serve this order on all parties who entered an appearance on this motion.